

Application Number 	Application/Control No. 09/577,042	Applicant(s)/Patent under Reexamination CHUNG ET AL.

Document Code - DISQ

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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : August 24, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 24-Aug-05

TO: EXAMINER NGUYEN, HUY THANH
FROM: Jefferson, Henry
PARALEGAL SPECIALIST

APPL. S.N.:

09/577.042

ART UNIT: 2616

Case Drop-Off Locatio

RETURN THIS MEMO TO:

JEF-2D68

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 22-Jun-05

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see §14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see § 14.24):

The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account (see § 14.26.07).

The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see §§ 14.26 & 14.26.01).

The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see § 14.27.01).

The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see §§ 14.26 & 14.26.02).

The person who signed the T.D.:

is not an attorney “of record” (see §§ 14.29 and 14.29.01).

has failed to state his/her capacity to sign for the business entity (see § 14.28).

is not recognized as an officer of the assignee (see §§ 14.29 & possible 14.29.02).

No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see § 14.30).

The T.D. is not signed (see §§ 14.26 & 14.26.03).

The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see § 14.32).

The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed) is missing or incorrect (see §§ 14.26, 14.27.02 or 14.26.05).

The period disclaimed is incorrect or not specified (see §§ 14.26, 14.27.02 or 14.26.03).

Other:

Suggestion to request refund (see § 14.36). NOTE: If already authorized, credit refund to deposit account and **do not** check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: _____

Date: _____

Log Date:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hyun-kwon CHUNG et al.

Group Art Unit: 2615

Serial No. 09/577,042

Confirmation No. 5358

Examiner: Huy Thanh Nguyen

Filed: May 24, 2000

For: RECORDING MEDIUM FOR STORING REAL TIME RECORDING/REPRODUCTION INFORMATION, METHOD AND APPARATUS FOR RECORDING AND REPRODUCING IN REAL TIME, AND FILE OPERATING METHOD USING THE SAME

TERMINAL DISCLAIMER (37 C.F.R. §1.321(c))

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

INTEREST AND TITLE OF PERSON MAKING THIS
TERMINAL DISCLAIMER

Petitioner, Michael D. Stein, represents that I am an attorney of record of the Assignee identified below owning the entire interest in the above-identified application and am authorized to sign on behalf of the Assignee.

IDENTITY OF ASSIGNEE

The Assignee is Samsung Electronics Co., Ltd., a corporation organized and existing under the laws of the Republic of Korea, having an office and principal place of business at Suwon-city, Korea.

RECORDAL OF ASSIGNMENT IN USPTO

The Assignment of the above-identified application was recorded in the U.S. Patent and Trademark Office on Reel 010120, Frame 0951.

COMMON OWNERSHIP OF U.S. PATENT

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignment identified below. Assignee further confirms that it remains the owner of U.S. Patent No. 6,389,569.

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REMARKSINTRODUCTION:

Claims 142 and 149-174 are pending and under consideration. Reconsideration is requested.

OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION:

On pages 2-3 of the Office Action, the Examiner rejects claims 142, 149-151 and 153 under the judicially created doctrine of obviousness-type double patenting in view of claim 26 of U.S. Patent No. 6,389,569. In view of the enclosed Terminal Disclaimer, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

STATUS OF CLAIMS NOT REJECTED:

On page 3 of the Office Action, the Examiner allows claims 155-164 and objects to claims 152, 154, and 165-174 as depending from rejected claims.

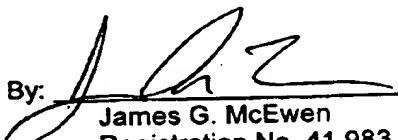
CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By: 
James G. McEwen
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Date: June 22, 2005

SERIAL NO. 09/577,042

CERTIFICATION OF TITLE

The evidentiary documents have been reviewed and the undersigned certifies that, to the best of said Assignee's knowledge and belief, title of the above-identified application and the U.S. Patent No. 6,389,569 are in the said Assignee.

TERMINAL DISCLAIMER

Assignee hereby disclaims the terminal part of the statutory term of any patent, granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,389,569, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,389,569. This agreement runs with any patent granted on the above-identified application and is to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,389,569 in the event that U.S. Patent No. 6,389,569 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FEE

The requisite disclaimer fee under 37 C.F.R. §1.20(d) of \$130.00 is attached hereto.

Date: 6/21/05By: 

Michael D. Stein
Registration No: 37,240